



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Vernon R. Husk)	Law Office:	112
Serial No.	10/726,385)	Examiner:	Patricia Lynn Engle
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For:	WINDOW SEAL)	Attorney	
	METHOD AND)	Ref. No.:	P314620
	APPARATUS			

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Declaration of Vernon R. Husk

I, Vernon R. Husk, owner of Truck Innovations, of 1425 Dike Road, Mount Vernon, Washington, 98273, hereby testify that the foregoing is true and accurate to my best recollection. This Declaration was prepared for me, on my behalf, by my attorney.

I have come up with the idea as claimed in the present invention herewith to fill a long-felt need for a device to seal between a canopy and the cab of a truck. There are many drawbacks in the prior art devices, in that they have generally required the removal of the entire canopy for installation and removal of the sealing device, or the sealing device is not conducive for being inserted and removed conveniently, whereas such is not the case with my device.

Superhawk Canopies of 1595 South Burlington Blvd., Burlington, Washington, is a business which installs and actually builds canopies for customers, specifically canopies made from metallic materials, and which orders in fiberglass-type canopies for resale. In my opinion, they possess expertise in the field of dealing with canopies, including all of the aspects of installation, wiring, and all of the myriad of issues which arise with the sale and installation and use of canopies, as well as the servicing of the products after a sale.

This company has five employees that work for the owner, and all are full-time employees. The business for Superhawk Canopies is exclusively within the realm of canopies adapted to be retrofitted to truck beds; therefore, the employees, in my assessment, are quite skilled in the art of dealing with canopy installation, and products related thereto.

I sold nine sealing member items to Superhawk Canopies on May 6, 2004. Shortly after the sale, I received a call from Chris Denthin, who is a manager for Superhawk Canopies. He contacted me and stated that the seal was not tight and did not function properly on the installed items. I went down to Superhawk Canopies; there were two trucks present, one a full-sized Ford F250 and, to my

best recollection, a Chevy S-10, both completely different vehicles. I

demonstrated how differences in the gaps around the windows required the utilization of a twisting of the sealing to allow for the proper expansion and a complete seal around the window. At this point, the employees of Superhawk

5 Canopies realized that the twisting action was feasible due to this foam. It is my assessment that these employees are mechanically capable individuals and that if anyone were to realize that twisting the item was an intuitive process, it would have been them. But it is my belief that it is not intuitive to twist the item about a longitudinal axis.

10 It took me months to experiment with quite a few different foams and different companies, until I found the proper type of expansion which worked correctly as defined in the specification of my application. Of course, this is not to limit the claims to this specific foam. However, finding a particular type of foam that would have proper recovery and sealing properties was a real challenge. I

15 experimented with approximately 25 different types of foam to arrive at the proper characteristics which are required to fulfill the aspects as claimed in the application.

I perused other items on the market and tried various different types of embodiments, and I took a trip to Texas, taking several different prototypes to try

20 them out in the course of the trip through various types of weather such as rain, dusty conditions, wind, high-speed freeway driving, various temperatures, etc. to finally arrive at a design which worked properly. The twisting action and the memory of the foam are essentially what allows the application to work properly in this environment, and the twisting action is not intuitive because, in general, 25 while dealing with sealing and gaskets of any kind, a non-planar surface is problematic for providing a seal.

I have an Associate's Degree in Mechanical Design, and worked as a helicopter mechanic for over 20 years. I pride myself in my ability to fix a variety of different items. However, solving this particular problem was by no means quick or easy.

30 In general, if the item does not seal correctly, moisture and wind will seep through any leakage area. It is well known that any gap areas can cause these types of leakages. Generally, when you take a cross-sectional surface such as a rectangle and rotate it, openings are provided in normal operations. Further, with a canopy, wind often vortexes in the space between the upper surface of the cab and the canopy, which can cause a large amount of noise. Therefore, this embodiment provides a tight seal, allowing for both windows to be open to provide communication to the rearward truck area. I particularly like this embodiment because it allows me to communicate with my dog. My dog rides in the ~~forward~~ portion of the truck and this embodiment allows her to poke her

head through the window region.

Therefore, in conclusion, the skill in the art of this item, in my assessment, is not extremely high. However, I have dealt with, in my opinion, some technically competent installers, who are directly related to the canopy market as described above. I have had personal experience observing that it was certainly not obvious to them to rotate the foam about its longitudinal axis to accommodate narrow and wide regions. In fact, I think there is a negative teaching in the industry, in that rotating any type of sealant is believed to be bad and, intuitively, only leads to gap regions. However, I, through my experimentation, have found that this is the most effective way of maintaining a seal between a truck and canopy, using the method as claimed in the application prepared by my attorney. Further, I declare that the process of finding a solution to this long-felt problem of having a proper seal between a truck cab region and a truck canopy region took numerous types of experimentation and many hours of work to arrive at the claimed invention.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 1/14/05
2005.

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Vernon R. Husk